

REMARKS

Applicants have carefully reviewed the Examiner's objections, rejections and comments in the Office Action of February 25, 2005 and have prepared the following response.

Claims 2-3, 5, 7-8 and 10-18 remain pending in this application. Initially, Applicants express appreciation that the Examiner has indicated claims 11 and 14-18 would be allowable if rewritten in independent form to include the limitations of independent claim 6. By this paper, Applicants have canceled claims 1, 4, 6, 9 and 19, amended claims 3, 5, 8, 10, 12-13, 15, and 17, and rewritten claims 2, 7, 11 and 14 in independent form.

REJECTION UNDER 35 U.S.C. § 112

Turning now to the issues raised in the Office Action, Claims 2-3, 5, 7-12, 15 and 17 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, claims 2, 3, etc. were rejected as indefinite for "reciting movement without corresponding structure or means for function." Similarly, claim 5, etc. was rejected as indefinite for a negative limitation and the Examiner suggested that applicants claim that "the seat back is substantially flush with the floor surface when stowed." Applicants note that the above amendments to claims 2-3, 5, 7-8, 10-12, 15 and 17 are believed to obviate the Examiner's stated rejection of claims 2-3, 5, 7-8, 10-12, 15 and 17 by providing the sufficient corresponding structure or means for the claimed function. Support for the above amendments can be found in Figures 2C, 3 and 4a-4k of the Drawings and in the first and second full paragraphs starting at line 1 of page 13 and ending at line 19 of page 13 in the Specification of the Application.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5, 6 and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matthews (U.S. Patent 1,649,608, hereinafter "Matthews"); claims 1 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shimizu (U.S. Patent 6,435,589, hereinafter "Shimizu"); claims 1 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rudberg (U.S. Patent 6,837,530, hereinafter "Rudberg"). Claims 1 and 6 have been cancelled and claims 2 and 7 have been rewritten in independent form to include all of the limitations of former claims 1 and 6 and any intervening claims. Support for these amendments can be found in Figures 3 and 4a-4k of the Drawings and in the first and second full paragraphs starting at line 1 of page 13 and ending at line 19 of page 13 in the Specification of the Application. As amended, claims 5 and 12 depend from amended, newly independent claims 2 and 7. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the above amendments.

REJECTION UNDER 35 U.S.C. § 103

Claims 2-4 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mathews or Rudberg in view of Miyashita (cited by applicant as JP411005477, hereinafter "Miyashita"). This rejection is respectfully traversed. Applicants respectfully request reconsideration in view of the above amendments and the following comments.

The Examiner contends that both Mathews and Rudberg disclose the use of fixed pivots. The Examiner further contends that Miyashita teaches that a pivoting link for a seat may be movable via a sliding joint between positions which are pivotal and positions which are not pivotal. However, Miyashita discloses the use of sliding joint in a seat assembly to permit the movement of both side seats to the center of the vehicle with the center seat removed from the

vehicle when vehicular layout obstacles such as the presence of a wheel house limit the ability to recline or slide the seat the front or rear of the vehicle. In contrast, the instant invention, as claimed, uses a seat that is selectively movable transversely via a pivot between a deployed position of the seat and a stowed position of the seat wherein the seat is stowed in a seat receiving recess that is offset transversely from the deployed position of the seat. Furthermore, the Examiner's assertion that it is obvious to provide in Mathews a pivotal joint as taught by Miyashita in order to clear obstructions to seat movement within the vehicle is unfounded. Miyashita appears, in fact, to teach away from this assertion in that the obstructions to seat movement within a vehicle addressed by Miyashita are obstructions preventing reclining or sliding the seats to the front or rear of the vehicle. Miyashita does not address, or even contemplate, the concept of overcoming under vehicle obstructions to stowing a second row seat under the floor of a vehicle as addressed by the instant invention. Again, Miyashita teaches away from the use of a pivot to permit selective transverse movement of a seat for purposes of stowing the seat in a seat receiving recess that is offset transversely from the deployed position of the seat. Finally, the Examiner has not shown where the art teaches or suggests the use of a pivot to move the seat transversely within the vehicle prior to stowing the seat. Claims 2-3, 7-8 and 10 are thus not obvious over the cited references; withdrawal of the rejection, and reconsideration and reexamination of the claims is respectfully requested.

Claims 2-3 and 7-8 stand further rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Odagaki (U.S. Patent 6,286,886, hereinafter "Odagaki"). This rejection is respectfully traversed. Applicants respectfully request reconsideration in view of the above amendments and the following comments.

The Examiner, while not disclosing what elements are believed to be disclosed by Shimuzu, has acknowledged that Shimuzu does not teach the use of a lateral traversing structure for purposes of stowing the seat in a seat receiving recess. The Examiner further contends that Odagaki discloses a lateral traversing structure in order to provide multiple seat positions. However, Odagaki only discloses a seat attachment structure which permits passenger seats in a vehicle to be moved transversely within the vehicle depending on how the passenger seats are desired to be spaced within the vehicle. Specifically, the seat attachment structure of Odagaki permits the passenger's seats to be adjusted via a lateral traversing structure to be positioned either closely together to form a bench seat or spaced apart from each other as captain seats. Odagaki does not teach movement of a seat via a traversing structure for purposes of stowing the seat in a seat receiving recess, but rather teaches the application of a seat attachment structure permitting the provision of multiple deployed seating positions. However, independent claims 2 and 7, as amended, call for selective movement of the seat with respect to the seat receiving recess. Where claimed, the seat is selectively moveable about a lower pivot between a deployed position of the seat and a stowed position of the seat in the seat receiving recess requiring selective movement of the seat in a transverse direction between the two positions about a lower pivot. Claims 2-3 and 7-8 are thus not obvious over the cited references. Withdrawal of the rejection, and reconsideration and reexamination of the claims is respectfully requested.

With respect to the remaining dependent claims 3, 5, 8, 10, 12-13 and 15-18, without conceding the Examiner's position, Applicants contend these claims are allowable as a result of the dependency from either amended independent claims 2 or 7.

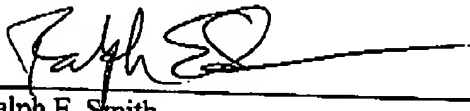
Finally, by this Response, Applicants have rewritten Claims 11 and 14 in independent form and hereby authorize the Examiner to charge our deposit account 03-1800.

From the foregoing, it is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all previously outstanding rejections. Thus, prompt and favorable consideration of this amendment is respectfully requested. If a telephone conference would expedite allowance or resolve any further questions, such a conference with the undersigned is invited at the convenience of the Examiner.

Respectfully submitted,

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By: _____


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